

**RESOLUTION NO. 74844**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO NEGOTIATE AND EXECUTE INDIVIDUAL CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED \$600,000, UP TO A COMBINED AMOUNT NOT TO EXCEED THE CONSTRUCTION CONTINGENCY FOR THE SOUTH SAN JOSE POLICE SUBSTATION, AND REPEALING RESOLUTION NO. 74660**

**WHEREAS**, on December 18, 2007, the City Council of the City of San José (“City”) awarded a construction contract in the amount of \$59,997,000 to S.J. Amoroso Construction Company, Inc. to construct the South San José Police Substation Project (“Project”); and

**WHEREAS**, on November 4, 2008, the City Council adopted Resolution No. 74660, which authorized the Director of Public Works to negotiate and execute change orders in an amount not to exceed \$100,000 up to a combined amount not to exceed \$1,500,000, for certain defined categories of work relating to construction of the Project; and

**WHEREAS**, on this date, the City Council approved a resolution increasing the construction contingency for the Project by \$3,600,000, to a total of \$6,310,000; and

**WHEREAS**, since the adoption of Resolution No. 74660, the City became aware of the need to issue change orders in an amount over \$100,000 for the Project; and

**WHEREAS**, Section 14.04.415 of the San José Municipal Code limits the approval authority of the Director of Public Works to \$100,000 per change order; and

**WHEREAS**, Section 14.04.300 of the San José Municipal Code specifies that the City Council, by resolution, may give the Director of Public Works greater authority to award and execute public works construction contracts; and

**WHEREAS**, the City desires to repeal Resolution No. 74660, and to authorize the Director of Public Works to negotiate and execute change orders in an amount not to exceed \$600,000 up to a combined amount not to exceed the construction contingency for the Project;

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The Director of Public Works is hereby authorized to negotiate and execute change orders in an amount not to exceed \$600,000, up to a combined amount not to exceed the construction contingency for the South San José Police Substation contract with S.J. Amoroso Construction Co., Inc.
2. Resolution No. 74660 is hereby repealed.

ADOPTED this 24<sup>th</sup> day of March, 2009, by the following vote:

AYES: CAMPOS, CHU, KALRA, LICCARDO, NGUYEN,  
OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: CHIRCO, CONSTANT, HERRERA.

DISQUALIFIED: NONE.

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CHUCK REED  
Mayor

ATTEST:

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LEE PRICE, MMC  
City Clerk